

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHEASTERN DIVISION

NORMAN LEE TOLER,

Plaintiff(s),

vs.

TIM LEOPOLD, et al.,

Defendant(s).

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Case No. 2:05CV82 JCH

ORDER

This matter is before the Court on Defendant Missouri Department of Corrections' Motion for Leave to File Motion to Dismiss Out of Time, filed August 22, 2007. (Doc. No. 70). Upon consideration, the Court will grant the motion.

Accordingly,

IT IS HEREBY ORDERED that Defendant Missouri Department of Corrections' Motion for Leave to File Motion to Dismiss Out of Time (Doc. No. 70) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff is granted until **Wednesday, September 19, 2007**, within which to file a response to Defendant's motion.

Dated this 5th day of September, 2007.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE